

**UNITED STATES DISTRICT COURT
District of Maine**

DAVID FIACCO,
Plaintiff

v.

**SIGMA ALPHA EPSILON
FRATERNITY,**

Defendant

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Civil No. 05-145-P-S

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on March 31, 2006, her Recommended Decision (Docket No. 30). Defendant filed its Objection to the Recommended Decision (Docket No. 32) on April 17, 2006 and incorporated Motion for Oral Argument (Docket No. 33). Plaintiff filed his Response to Objection (Docket No. 34) on April 18, 2006.

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.
2. Defendant's Motion to Dismiss (Docket No. 8) is DENIED.

/s/ George Z. Singal
Chief, U.S. District Judge

Dated: April 19, 2006.